

APPROVED 2-19-04



**SCOTTSDALE DEVELOPMENT REVIEW BOARD
KIVA - CITY HALL
3939 N. DRINKWATER BOULEVARD
FEBRUARY 5, 2004
MINUTES**

PRESENT: Tom Silverman, Council Member
E.L. Cortez, Vice Chairman
David Barnett, Planning Commission Member
Michael D'Andrea, Design Member
Anne Gale, Design Member
Jeremy Jones, Design Member
Michael Schmitt, Design Member

STAFF: Jayna Shewak
Laurel Edgar
Kurt Jones
Suzanne Colver
Tim Curtis
Al WArD

CALL TO ORDER

The regular meeting of the Scottsdale Development Review Board was called to order by Councilman Silverman at 1:05 p.m.

ROLL CALL

A formal roll call confirmed members present as stated above.

OPENING STATEMENT

COUNCILMAN SILVERMAN read the opening statement that describes the role of the Development Review Board and the procedures used in conducting this meeting.

MINUTES APPROVAL

January 22, 2004 DRB Minutes

VICE CHAIRMAN CORTEZ MADE A MOTION TO APPROVE THE JANUARY 22, 2004, MEETING MINUTES AS PRESENTED. SECOND BY MR. JONES.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

CONSENT AGENDA

74-DR-2003 Bell / 101 Executive Center
 Site plan & elevations
 8825 E. Bell Road
 Cawley Architects Inc., Architects

MS. SHEWAK stated there is not a representative present for the Bell /101 Executive Center noting that the Board had a question about the change in materials between efface and the stone application. She inquired if it would be acceptable if the applicant could bring back some construction details at a later point in time.

VICE CHAIRMAN CORTEZ stated there was also the issue regarding the site plan that the buildings on the elevations differ from what is shown on the site plan. Ms. Shewak replied staff always goes with what is drawn on the flat elevations. Mr. Schmitt stated he brought the issue up regarding the elevation and either way the building is attractive, enough that he would not oppose the case it was just an issue of inconsistency with the documents.

91-DR-2003 Hidden Hills Trailhead Improvements
 Via Linda & Sunrise Parking Lots
 12101 N. Canyon Road & 14505 E. Via Linda
 City of Scottsdale, Applicant

MS. SHEWAK stated there are two individuals wishing to speak regarding this request. She further stated the Board has the option to keep this on the consent agenda and allow the two individuals to speak or pull it to the regular agenda.

(Councilman Silverman opened public testimony.)

LAURA FOLGELMAN, 14501 E. Wethersfield Road, spoke in support of the request. She stated she lives in Hidden Hills and they have been working with the Preservation Department for over a year and they are pleased they have finally come to an agreement but there are a few remaining concerns. She commented that where people would enter off of north Canyon Road that is Via

Linda they would take a left into this site. There is a driveway into the parking lot but they are concerned about the first resident's home because this driveway does not have designated parking spaces and they anticipate people will parallel park there because this residence is close to that driveway. They are also concerned that there would be excessive noise and traffic in that location. She inquired if the city could do something to accommodate this residence to ensure that no one parks in that location. She suggested the city put up some sort of an impediment such as a no parking sign.

She remarked school children are dropped off in the circle area and she is concerned that people would park in the circle area. She further remarked they would like some signage in this area.

She stated there is the concern that people would take the path of least resistance and when the parking lot fills up they would park along the street instead of going to the lower parking lot. She suggested they have a sign directing people to the lower lot when the upper lot is full.

She stated that the Preservation Department has assured them that they would work with the neighbors regarding the plantings. She inquired how that would take place and if they would be notified and how they would be notified.

MR. CAFARELLA stated staff agrees with the three parking issues and they have a four-prong attack. The first is education. They have created a volunteer Preserve team for this area and if there are any parking issues in this area the volunteers will politely approach people to encourage better behavior. The second would be signage on the City land in the trailhead site. The third would be to paint something directly on the street so there is no visual clutter. The fourth would be enforcement if those three things don't work.

He remarked regarding screening they have agreed to work with the neighbors to ensure vegetation is strategically placed to camouflage as much as possible.

COUNCILMAN SILVERMAN stated this is the first of nine trails and it would be to their benefit to make sure they work well for everyone especially the neighbors.

MS. GALE stated when they are discussing controlling the people who are using the parking lot they need to remember that the people who are using the parking lot are owners. The whole focus seems to be on the neighbors' rights. They need to focus very strongly on the owners' rights. She further stated one answer to this would be to increase the parking. She noted she believed there were at least 10 more parking spaces available. Mr. Cafarella replied he believed the only reason for people to park on the street would be to have a short cut to the trail since the trail parking is closer to the trail; he did not see it as an issue. He

noted they have increased the equestrian parking, which took up some automobile parking. He further noted staff believes they have the number that fits the location given the constraints.

CARLA, Executive Director Sonoran Land Trust, spoke in support of the request. She stated the Parks and Preservation staff has done a wonderful job in overcoming many obstacles. She further stated they agree with Board Member Gale's comments about the public ownership of this Preserve and the need for appropriate public access. They do think the parking staff has reached a good compromise and done what is best for the land and for the neighbors and to get this moving forward. The real answer is to fast track the Lost Dog access area that is going just west of here that will be the major access area for the southern end of the Preserve.

She provided information on the Preserve Steward program. She stated these stewards patrol, protect, and maintain the Preserve. She further stated they have dedicated a special team just for the Sunrise Trail head. She added they want to move forward and have this work because they have eight more in line.

(Councilman Silverman closed public testimony.)

**MR. BARNETT MOVED TO APPROVE 74-DR-2003 AND 91-DR-2003.
SECOND BY MR. JONES.**

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

REGULAR AGENDA

96-DR-2003	McDowell Mountain Storage Site plan & elevations 16601 N. 93 rd Street Deutsch Associates Inc., Architects
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97-DR-2003	McDowell Mountain Storage Site plan & elevations 16601 N. 93 rd Street Deutsch Associates Inc., Architects
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MR. WARD presented cases 96-DR-2003 and 97-DR-2003 as per the project coordination packet. He stated there are amended lighting stipulations associated with this case. Staff recommends approval subject to the attached stipulations.

HAYES MARTIN stated he was representing the developer. He addressed the questions that came up in the study session. He stated they have worked with

city staff, property owners, and the utility companies involved with the easement corridor and the site plan would accommodate all service vehicles. He clarified the 94th Street exit would primarily be used as an exit only for the facility. The primary access would be 93rd Street. He remarked that regarding the two-tone color of the roof they are fine with changing it to a single color. He discussed the strict guidelines regarding vegetation from SRP and APS they must adhere to. He further remarked regarding the canopy it does wrap around all four sides. He reported they have done studies from the apartment complex to do to make sure they would be properly screened. He noted the with regard to the gate on 94th Street the hours of operation were stipulated to in the conditional use permit. He further added it will be a solid gate.

MR. BARNETT stated that in the presentation the applicant stated the 94th Street exit would be primarily an exit only. He inquired if he could be assured it was exit only. Mr. Martin replied it is exit only for their use and for emergency access only. Mr. Barnett stated that he did not think that was stipulated and inquired if the applicant would agree with that becoming a stipulation. Mr. Martin replied in the affirmative.

Mr. Barnett asked several questions regarding the landscape restrictions from the power companies. Mr. Martin provided clarification on those restrictions.

MR. D'ANDREA inquired if the pilasters that are shown on the drawing run on the diagonal wall. Mr. Martin stated the intent is to have those pilasters along that wall but he was not sure about the spacing.

(Councilman Silverman opened public testimony.)

HOWARD SILVER, 16801 N. 94th Street, spoke in opposition to this request. He stated he is the President of the Condo Association that is right at 94th Street. He further stated that he has read in the press that several condo associations in the neighborhood welcome this venture but they are three to five miles away from the site. He reported the concern of many of the 130 homeowners in this condo association are high traffic in and out of this daily with boats, RVs and trucks etc. They are also concerned about the value of their property going down with this just one block away from them. Their other concern was regarding 94th Street being the main entrance but that has already been covered today.

(Councilman Silverman closed public testimony.)

MR. BARNETT stated it was stipulated as part of the original use permit that they come back in a year for a second conditional use permit to make sure there are not traffic issues for the apartment complex. Mr. Kurt Jones stated with regard to Mr. Barnett's comment at the Planning Commission meeting they recommended a yearly review of the site that would come back before the Planning Commission

and City Council to determine if they were conforming to the use permit criteria. He further stated that will not occur; it will be constant conformance to the use permit criteria.

MR. BARNETT MOVED TO APPROVE CASES 96-DR-2003 AND 97-DR-2003 WITH THE FOLLOWING ADDITIONAL STIPULATIONS:

- 1) INCLUDE THE AMENDED LIGHTING STIPULATIONS.**
- 2) SINGLE ROOF COLOR.**
- 3) MAKING 94TH STREET AN EXIT ONLY.**
- 4) THE 94TH STREET GATE SHALL BE SOLID.**
- 5) AMENDING THE STIPULATIONS REGARDING THE LEFT-TURN LANE TO MORE CLOSELY ALIGN WITH WHAT WAS PRESENTED TO THEM FIVE MINUTES AGO.**

SECOND BY MR. JONES.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

98-DR-2003	Scottsdale Senior Center – McDowell Village Site plan & elevations 8302 E. McDowell Road City of Scottsdale, Applicant
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98-DR-2003#2	Scottsdale Senior Center – McDowell Village Site plan & elevations 8302 E. McDowell Road Red Group LLC, Applicant
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MR. CURTIS presented cases 98-DR-2003 and 98-DR-2003#2 as per the project coordination packet. Staff recommends approval subject to the attached stipulations.

LAUREL EDGAR, Economic Vitality Department, provided an overview of the project. She reviewed the site plan. She noted in addition and not part of the current DR package, there are future plans for the site to include 10,000 square feet of retail that would be brought to the Board later this year. She discussed the changes that have been made consequent to input they received during the zoning. She commented on the changes that have been made to the location of the trash enclosures.

CORY LEW stated he is the Property Manager for the new senior center from CPM. He discussed the public outreach that has occurred on this project. He reported that most of the comments were very positive and they are addressing the issues that came such as residential trash for the surrounding neighborhood. He further reported that they would continue to meet with the surrounding neighborhood on trash pickup and that they are working on a plan with the neighborhood to have trash pickup in the rear of the residences. He reviewed the revised plan for trash. He noted they would continue to work on the design and present the plan to those neighbors.

MR. LORANT, Gabor Lorant Architects, stated he is the architect for the senior center. He discussed the design elements for the senior center. He discussed the updates that have been made in response to the comments they received at the study session. He reviewed the common design elements that would be used throughout the site.

SCOTT LATEN, Red Group, discussed the senior housing component of McDowell Village. He reviewed the circulation plan. He stated staff has stipulated that they would like to see a connection between their development and the Circle K that is immediately west. He further stated (as he expressed earlier to staff and the Board) that until they reach an agreement with Circle K they have concerns that they would be dropping off their individuals at a curb with decomposed granite that they would have to navigate to move over to Circle K. He requested the stipulation is modified that if they are successful in negotiating with Circle K they would be happy to put in the ingress-egress for the pedestrians.

Mr. Laten showed a perspective of the buildings.

MR. D'ANDREA inquired if the applicant had a phasing plan and how they intended to complete the project. Mr. Laten replied there is a phasing plan that is based on the development agreement they have with the City of Scottsdale.

Mr. D'Andrea stated with regard to the Stage Brush Theater he inquired if there should be some handicapped spots allocated at the north end of the parking lot. Ms. Edgar reviewed where the handicapped parking was located. She remarked they could look at adding some handicapped spaces on the north side.

Mr. D'Andrea inquired if the trees on the north boundary between the homes and the edge of the property would be mature trees that would grow and create a buffer. Ms. Edgar stated the trees on the north would be mountain laurel trees that are more like bushes because of the electric lines and other utilities they were hesitant to put in mature trees; in addition the alley is open and also used as a driveway. They felt this tree would provide fullness and color but would not create a buffer.

MR. SCHMITT commented that he felt this project would be nice for the area. He further commented that it appears they are planning a swimming pool in the center courtyard area and as represented in the rendering it appears to be a deep canyon effect so they might want to think about how to position it to have sunshine at the swimming pool. He remarked he though as a whole the project is very nice.

(Councilman Silverman opened public testimony.)

AMY TANNER, 8233 E. Elm Drive, stated that the Board has received a copy of the letter she wrote previously addressing her concerns regarding the trash issue. She pointed out on the original site where the trash was located for Smitty's, noting the trash was located nowhere near the internal walkway. She reviewed her concerns that the RED Group has not provided her with any information prior to today regarding their trash proposal. She noted she provided the RED Group with several workable proposals and they did not address the alternate proposals for the trash. She expressed her concern regarding the enclosed dumpsters because it would invite people to do illegal acts. She remarked that she felt the RED Group has not been forthcoming and straightforward in their dealings with her and the neighbors. She further remarked there no was explanation regarding whether the alternatives were investigated. She reported that she is in general support of the Senior Center proposal but has always had concerns regarding the trash issues and did not feel the RED Group has made efforts to address them.

She stated the RED Group has indicated they plan to put the kitchen waste in the dumpster that she marked B on her picture but there is no guarantee that will happen. What they have indicated that they will have a maintenance man who will load the trash in a wagon and carry it out to the trash dumpster. She further stated that she did not know how they could be assured that would happen. She remarked the RED Group did not share with them how many times the sanitation will be coming through or how they concluded they only need three trash dumpsters.

She requested the proposal be tabled until there is further investigation into this trash issue and until her neighbors who are immediately affected have the opportunity to see the plan and express their opinions.

(Councilman Silverman closed public testimony.)

MR. LATEN stated they appreciate Ms. Tanner's convictions and concerns about trash. He noted that as he has tried to explain along the way that with the complications of a building of this size in this development, trash is a byproduct of a community such as this; however, it is one thing that would be worked out as they

press down the road. He provided information on his meetings with the solid waste manager stating it was up to him to decide how many waste enclosures they would need. He noted they concluded that any odor that might be generated would be associated with kitchen waste and they relocated that trash enclosure to be the shortest distance from the kitchen to assure that the garbage would be deposited there. He added they are guessing they would have trash pickup twice a week. He reviewed why they chose the proposed locations. He discussed the other location that was looked at. He concluded they have reached a stalemate with Ms. Tanner so they wanted to bring it before the Board to allow them to make a decision as to where they believe the appropriateness would be by supporting this plan.

VICE CHAIRMAN CORTEZ inquired if waste management has indicated how they determine the frequency of trash pick up. Mr. Laten replied it would be working in conjunction with their management to determine how frequently the trash would be picked up. He stated it is their experience developing senior apartments that seniors don't generate a great deal of trash.

Vice Chairman Cortez stated all of the trash enclosures have gates. He inquired if they could be assured the on-site maintenance department would make sure they are always closed at the appropriate time. Mr. Laten replied in the affirmative.

Vice Chairman Cortez inquired about the location of the residential pickup off of Elm Drive. Ms. Edgar explained the planned residential pick up for this area.

COUNCILMAN SILVERMAN stated if he was the only one voting today and he asked the applicant to pick another spot where would be the next best place for the refuge. He further stated what bothers him besides being close to Ms. Tanner's house he would assume there is going to be foot traffic coming on the walkway to Elm Drive and the first thing they would see is the garbage. He inquired what message does that send. Mr. Laten replied the next best solution would be down next to Circle K. He stated they have made commitments to Ms. Tanner and surrounding residents that it would be heavily screened with landscaping. He noted this development does not have just one front door. He further noted that the site plan is very tight so if something moves something has to give.

Councilman Silverman commented that in typical situation commercial garbage bins would not be place near the neighbors. Mr. Laten explained the residents' garbage will be bagged and tied and stored in an air conditioned holding room on each floor.

MR. SCHMITT stated that Ms. Tanner circled several different locations on the plan that she provided for trash enclosures that are further from her home but closer to her neighbors. He further stated he did see one location that is a few feet east of where the developer shows them. He commented that might be a

good compromise. Mr. Laten stated solid waste has looked at that approach and determined it would cause them additional time for trash pickup. He further stated they would probably lose six parking spaces. Mr. Schmitt stated he thought this was the one location on the plan that he would favor above moving them toward McDowell Road.

MR. D'ANDREA stated it might be a compromise to make the wall enclosure eight feet tall and with the heavy landscaping, they would not be able to see the trash bin. Mr. Laten stated they would be willing to stipulate to an eight foot wall if staff felt that was appropriate.

VICE CHAIRMAN CORTEZ stated with regard to the handout presented by Ms. Tanner he would venture to guess that his choice would be item C, which is the center of the parking area. Mr. Laten replied they would be open to looking at C but they are not the final authority staff must review it to ensure it would work.

Vice Chairman Cortez stated it is a fabulous development and he is eager to get started on it. He inquired when they anticipate breaking ground. Mr. Laten replied they anticipate demolition June or July of this year. He requested the Board approve the plans and allow them to revisit the placement of the trash enclosures.

MS. GALE stated she felt the City should lead them in the development of an architectural community and she did not think they have a community - they have two aliens related only by the color beige. She remarked that being said, she would support the plan because that is what is presented, with some disappointment in that regard. She remarked she is hopeful the colors would be able to save things. She suggested the applicant revisit the colors and materials; the external skins of the building maybe something that is more vivid and interesting to the viewer.

MR. JONES stated the trash container is in the best location and he felt the time should be spent on the design of the trash enclosures and see if Ms. Tanner could be relieved in that way. He further stated he felt they should move forward with the project.

MR. BARNETT thanked Mr. Laten noting this project has developed a lot since he saw it six months ago. He remarked he is not an expert in trash placement and was sure lots of people with expertise in trash placement have looked at this. He further stated they have done a fantastic job not only with the project but looking out for the neighbors.

MR. D'ANDREA MOVED TO APPROVE CASES 98-DR-2003 AND 98-DR-2003#2 WITH THE ADDITIONAL STIPULATIONS:

- 1) **THE TRASH ENCLOSURES IS REVISITED.**
- 2) **REVISE THE STIPULATION REGARDING PROVIDING A PEDESTRIAN CONNECTION BETWEEN THE SENIOR HOUSING AND CIRCLE K TO BE SUBJECT TO APPROVAL FROM THE CIRCLE K.**
- 3) **HANDICAPPED SPACES ARE ADDED TO THE NORTH ACCESS WAY NORTHWEST OF THE SENIOR CENTER TO CREATE BETTER ACCESS FOR THE HANDICAPPED.**

MS. SHEWAK inquired if the stipulation of trash resolution was intended to be brought back to the board at a study session or handled at the staff level without bringing back to the Board.

COUNCILMAN SILVERMAN stated he would prefer that it be brought back to the Board. Ms. Shewak stated staff would put this issue on the regular agenda and bring it back to the Board for approval. Vice Chairman Cortez stated he would like this to be put on the next agenda to allow Councilman Silverman to be able to participate.

MR. JONES stated he did not think the project should be delayed because of this issue. Ms. Shewak replied the Board would be approving the site plan contingent upon one last item and decision to be made by the Board at a subsequent hearing.

SECOND BY MR. SCHMITT.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ONE (1) WITH MS. GALE DISSENTING.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Development Review Board was adjourned at 3:05 p.m.

Respectfully Submitted

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